

	<p><b>CENTRAL INTELLIGENCE AGENCY</b> Office of Legislative Counsel Washington, D. C. 20505 Telephone: 351-6121 (Code 143-6121)</p>
<p><b>TO:</b> Ms. Tracey Cole Legislative Reference Division Office of Management and Budget</p>	
<p style="text-align: right;">27 April 1978</p> <p>Attached in DRAFT form is a views letter regarding section 7(c) of H. R. 11383, a bill to establish a "Commission on Proposals for a United States Academy for Peace and Conflict Resolution." As you are aware, time is of the essence since the bill is scheduled for mark-up on Monday, 1 May at 2:00 p.m.</p> <p>I would appreciate your prompt attention to this matter. Please contact me directly by phone at <span style="border: 1px solid black; display: inline-block; width: 80px; height: 1.2em; vertical-align: middle;"></span> as soon as the letter has been cleared by OMB.</p> <p style="text-align: center;"><span style="border: 1px solid black; display: inline-block; width: 280px; height: 1.2em; vertical-align: middle;"></span></p> <p style="text-align: center;">Assistant Legislative Counsel</p>	

FORM 6-68 1533 OBSOLETE PREVIOUS EDITIONS

(40)

OLC #78.1691/a

*Pro/Leg*

STAT

STAT

DRAFT

Washington, D.C. 20505

Honorable Dante B. Fascell, Chairman  
Subcommittee on International Operations  
Committee on International Relations  
House of Representatives  
Washington, D.C. 20515

Dear Mr. Chairman:

I want to take this opportunity to comment on one section of H. R. 11383, a bill to establish a "Commission on Proposals for a United States Academy for Peace and Conflict Resolution."

H. R. 11383 would set up a Commission which, among other things, would undertake a study to determine the feasibility and efficacy of establishing a United States Academy for Peace and Conflict Resolution. Subsection 7(c) of the bill provides the Commission with the authority to "secure directly from any Federal agency information necessary to enable it to carry out this Act." The subsection further provides as a statutory duty that the head of any Federal agency shall furnish to the Commission whatever information it may deem necessary to "enable it to carry out this Act."

It is the mandatory language, "shall furnish," in subsection 7(c) which could create a conflict with paragraph 102(d)(3) of the National Security Act of 1947, as amended, which makes the Director of Central Intelligence responsible for protecting intelligence sources and methods from unauthorized disclosure (50 U.S.C.A. 403(d)(3)). Although it would seem that this legislation is not intended to require disclosure of sensitive information that is classified or protected from unauthorized disclosure by statute absent applicable security considerations, the language of subsection 7(c) does not clearly reflect this interest. A conflict could arise, for example, if the Commission requested information from the CIA which contained intelligence sources and methods. The Director of Central Intelligence could not disclose this information unless the recipients met the requisite security requirements.

In order to avoid any such conflict, it is recommended that the mandatory language of the second sentence of subsection 7(c) be made discretionary. This could be accomplished impliedly by deleting the second sentence of the subsection, or explicitly by requiring the consent of the head of the agency before the information requested may be released. In this regard the language in subsection 7(c) might be modeled after that contained in paragraph 7(a)(7) of H. R. 11326, a bill to establish an Institute for Human Rights and Freedom, which I understand is also to be considered by the Subcommittee.

The Office of Management and Budget has advised there is no objection to the submission of this report from the standpoint of the Administration's program.

Sincerely,

Frank Carlucci